



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,355	03/16/2006	Kay Wagner	P29322	9365

7055	7590	01/25/2008
GREENBLUM & BERNSTEIN, P.L.C.		
1950 ROLAND CLARKE PLACE		
RESTON, VA 20191		

EXAMINER	
FISCHER, JUSTIN R	

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
01/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No. 10/572,355	Applicant(s) WAGNER, KAY	
	Examiner Justin R. Fischer	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>011408</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-16 are rejected under 35 U.S.C. 103(a) as obvious over Kajikawa (US 5058646). As best depicted in Figure 1, Kajikawa is directed to a runflat tire construction comprising a multi layered belt, a casing, a pair of sidewalls, and a reinforcement assembly (A1,A2, and A3). In particular, the combination of A1 and A3 represent the claimed reinforcing profile and A2 represents the claimed core profile. The reference further teaches that A1 and A3 are formed of a softer rubber composition, as compared to component A2. However, the ends of A1 and A3 are not contiguous with one another and thus, the "reinforcing profile" is not crescent-shaped. A fair reading of Kajikawa, however, suggests the general placement of a soft rubber layer on the inside and outside of the core profile in order to, among other things, alleviate local compressive strain and relax shearing strain (Column 4, Lines 14-37). One of ordinary skill in the art at the time of the invention would have found it obvious to position the soft rubber layers A1 and A3 over the entire surfaces of the core profile A2 and thus form a crescent-shaped profile that encloses said core profile. It is emphasized that Kajikawa is silent as to the specific arrangement of the soft rubber layers (other than they are inside and outside of the core profile)- the particular placement of the respective layers

over the entire surfaces of the core profile would have optimized the benefits detailed above. Lastly, applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed arrangement.

Regarding claim 8, the reinforcing profile and core profile have essentially the same cross-sectional shape as required by the claimed invention.

As to claims 9 and 10, the claim requires that the core profile have an extension equal to at least 30% of the reinforcing profile- such is the case with the tire construction of Kajikawa. Furthermore, regarding claim 10, one of ordinary skill in the art at the time of the invention would have found it obvious to form the reinforcement assembly of Kajikawa in accordance to the claimed invention (make core profile smaller than radial extension of reinforcing profile), there being no conclusive showing of unexpected results.

With respect to claims 11 and 12, the reinforcing profile of Kajikawa has a hardness between 50 and 70, which substantially encompasses the broad range of the claimed invention.

Regarding claims 13 and 14, the core profile of Kajikawa has a hardness between 70 and 90, which substantially encompasses the broad range of the claimed invention.

As to claim 15, the core profile of Kajikawa has a modulus between 3 and 7 N/mm² and the reinforcing profile has a modulus between 1 and 3 N/mm². While the claims require a minimum modulus (for the core profile) of 8 N/mm², the disclosed ranges of Kajikawa appear to be preferred ranges- one of ordinary skill in the art at the

time of the invention would have found it obvious to use additional rubber compositions having a modulus on the order of that disclosed by Kajikawa, such as those required by the claimed invention. It is emphasized that the particular modulus of the core profile is a function of the specific tire being reinforced and the additional tire structure (some tires may need greater amounts of runflat reinforcement due to road conditions and/or environment of use). Furthermore, applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed range.

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/572,355
Art Unit: 1791

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Justin R Fischer
Primary Examiner
Art Unit 1791

JRF
January 14, 2008